

Andover Conservation Commission Meeting Minutes
June 1, 2010

Town of Andover
36 Bartlett Street
3rd Floor Conference Room
7:45pm

Conservation Commission Members in Attendance:

Chairman Donald Cooper, Commissioner Alix Driscoll, Commissioner Al French, Commissioner Jon Honea and Commissioner Floyd Greenwood. Staff members present were Robert Douglas, Director of Conservation and Linda Cleary, Conservation Agent.

Chairman Cooper welcomed Commissioner Floyd Greenwood to the Commission. He is replacing Vice Chairman Howard Kassler.

SCHEDULED ITEMS:

27 Bancroft Road

Present in Interest: Walter O'Connor

Staff Recommendation: Approve as Neg.3 with conditions.

Public Meeting on the Request for Determination of Applicability filed to determine if the proposed abandonment of an existing septic system and tie into town sewer is subject to the Massachusetts Wetlands Protection Act.

Agent Cleary presented this to the Commission. The filing is under the WPA only and the filing is complete. Site comports to plan. The trenching will be backfilled the same day and is on current lawn area 25 feet from the BVW at the closest point. There is to be no further extension of side yard and a portion of the rear yard.

Chairman Cooper asked for a Motion. Commissioner Driscoll made a Motion to Approve as Neg.3 with conditions; it was seconded by Commissioner French and unanimously approved.

**Mass Highway
I-93 Southbound Just North of Exit 44**

Staff Recommendation: Continue to a date uncertain.

Continued Public Meeting on the Request for Determination of Applicability filed to determine if the herbicide spraying of pepperweed is subject to the Massachusetts Wetlands Protection Act.

Mr. Douglas presented this to the Commission. This was continued from May 4, 2010 for staff to check with the Board of Health regarding the herbicide spraying and receipt of further information from Mass Highway. Mass Highway has answered most of the Commission's questions, but due to recent weather they will need another 2 weeks to pinpoint the exact location. The Applicant has requested a continuance. The Commission has asked for a more accurate location of the plants. The study is ongoing and will be completed by the June 15, 2010 meeting.

Chairman Cooper asked for a Motion. Commissioner French made a Motion to continue to June 15, 2010, it was seconded by Commissioner Driscoll and unanimously approved.

**12 Foster's Pond Road
Present in Interest: Mark Johnson, Bill MacLeod and David Barber**

Staff Recommendation: Continue.

Continued Public Hearing on the Notice of Intent filed under the Massachusetts Wetlands Protection Act for the proposed re-construction of and addition to an existing single family dwelling.

Mr. Douglas presented this to the Commission. This was continued from May 4, 2010 for purposes of an engineering peer review. Janet Bernardo did the peer review and recommended 2 changes to the plan which have been done. The Commission made a finding on May 18, 2010, that the project was a Rehab of an existing structure, as such the WPA guidelines must be followed, but not the By-Law. The house has several Green features which were offered as mitigation. Most of the trees are being kept onsite, infiltration is being added, piers are being used as supports as well as porous pavement.

Commissioner Driscoll is still opposed to the project. Chairman Cooper is not in favor of acting on the Order of Conditions until Commissioner Ralston can review them. There is no continuous quorum. The Applicant agreed to waive the continuous quorum.

Chairman Cooper asked for a Motion. Commissioner Driscoll made a Motion to close the public hearing with the Order of Conditions to be issued on June 15, 2010; it was seconded by Commissioner French and unanimously approved.

ACTION ITEMS:

3 Blackhorse Lane

Present in Interest: Scott Pancote and Mr. and Mrs. Baldassari

Staff Recommendation: Find change not significant.

Consideration of significance for a proposed change in the shape of the swimming pool and the addition of a therapy spa. The pool has been reconfigured and is roughly 80 feet from the wetland and surrounded by a drainage system and patio. The expansion appears to be outside the 100 foot buffer. Chairman Cooper would like to see the final, recordable plan with the correct shape of the pool so the Commission will have a paper record of what is being approved.

Commissioner Driscoll made a Motion to find the change insignificant so long as the Applicant provides a 8x11 ½ detailed new pool plan and records this plan and the letter from the Commission stating the change is insignificant. The Motion was seconded by Commissioner French and unanimously approved.

7 Manning Way

Staff Recommendation: Approve.

Consideration of significance for an adjustment to the size and location of the proposed home.

The new Buyer is requesting a full build out, but the proposed work remains within the building envelope granted by the Commission in the Order of Conditions.

Commissioner Driscoll made a Motion to Approve; it was seconded by Commissioner French and unanimously approved.

**360 South Main Street
Faith Lutheran Church
Present in Interest: Bernie Paquin**

Staff Recommendation: Approve.

Issuance of an Order of Conditions for Phase 1 only. Waivers were granted as stated in Finding No. 3 of the Order of Conditions.

Commissioner French made a Motion to Approve; it was seconded by Commissioner Driscoll and unanimously approved.

64 Central Street

Staff Recommendation: Approve.

Issuance of an Order of Conditions. Special Condition that a Certificate of Compliance on this Order of Conditions will denote full compliance with DA1998-149.

Commissioner Driscoll made a Motion to Approve; it was seconded by Commissioner French and unanimously approved.

**Lincoln Woods
Present in Interest: Mark Johnson**

Phase Two Conservation Restriction. This is an amendment to the Restriction signed in December 2007. The second phase is an amendment to the original Restriction adding additional open space to the restriction as approved by the Planning Board. Commissioner French questioned why there is not a new restriction. By using the amendment, the service to the public interest, such as public access, is being overlooked. Commissioner Driscoll agreed that public interest is not served by restricting access to the homeowners in the development. Attorney Johnson reminded the Commission that it was made very clear that there would be no public access and additional land would be added. Commissioner Greenwood suggested the Commission get clarification from the Planning Board on the language. The public access is not a condition of the permit granted and the amendment is consistent with the Planning Board decision.

Due to a lack of a motion, no action was taken. The Commission will send a letter to the Planning Board as to why no action was taken.

MACC Alert

Vote to consider Support of Passage of SB 2257 to protect Conservation land from damage by ATVs.

Commissioner French made a Motion to endorse the passage; it was seconded by Commissioner Driscoll and unanimously approved.

CONSENT AGENDA:

8 Rogers Brook East

Request for Partial Certificate of Compliance.

14 Knollcrest Drive

Issuance of a Notification of Satisfactory Completion of Work Certificate.

138 Jenkins Road

Issuance of a Notification of Satisfactory Completion of Work Certificate.

Minutes

Approval of minutes for meetings of April 6th, April 13th and May 4th, 2010.
Approval of Executive Session minutes of April 6, 2010.

Commissioner Driscoll made a Motion to Approve the Consent Agenda; it was seconded by Commissioner French and unanimously approved.

INFORMATION ITEMS:

B&M Railways

Notification of Vegetation management by Pan Am Railway.

Overseer Appointment for High Street Property

Appointment of Willow Chesley as Overseer for High Street Property.

Robert DeCelle would like to form a group called Friends of the Conservation Commission. He is asking for the Commission's interest and ideas. It would be similar to "Friends of the Library."

Town Counsel drafted the Purchase and Sale Agreement for the purchase of the Deloury property. It should be given to Mr. Deloury for his review shortly.

Commissioner French's term will expire in June, so please provide your recommendations to Bob Douglas.

The next meeting will be held at 7:45pm on June 15, 2010.

The meeting was adjourned at 9:13pm by Motion of Commissioner Driscoll, seconded by Commissioner Honea and unanimously approved.

Respectfully submitted by:

**Lynn Viselli,
Recording Secretary**